

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC 2002-000513

05/05/2003

HONORABLE MICHAEL D. JONES

CLERK OF THE COURT
P. M. Espinoza
Deputy

FILED: _____

STATE OF ARIZONA

DOUGLAS W JANN

v.

GARY ALLEN KING

GARY ALLEN KING
4545 N 67TH AVE #1428
PHOENIX AZ 85033

PHX JUSTICE CT-NW
REMAND DESK-LCA-CCC

MINUTE ENTRY

NORTHWEST PHOENIX JUSTICE COURT

Cit. No. #2742007

Charge: A. SPEED ABOVE POSTED LIMIT
B. DRIVING WITHOUT A VALID LICENSE
C. NO MANDATORY INSURANCE
D. DRIVING VEHICLE WITH FAULTY & MISSING EQUIPMENT
E. RESIDENT WITH OUT-OF-STATE PLATES

DOB: 01/06/77

DOC: 06/11/02

This Court has jurisdiction of this appeal filed by Appellant, Gary Allen King after the denial of his Motions to Set Aside Judgment following the entry of a Default Judgment against him in civil traffic cases, pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

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This case has been under advisement, and this Court has considered and reviewed the Memoranda submitted by the parties, and the record from the Northwest Phoenix Justice Court.

Appellant, Gary Allen King, has filed this appeal following the denial of his Motions to Set Aside a Default Judgment entered by the Northwest Phoenix Justice Court on August 21, 2002, when Appellant failed to appear at the time scheduled for his trial. Appellant has explained to the trial court, and explains on appeal, that he miscalendared his trial date. The trial court denied Appellant's motions.

The applicable standard for an appellate court when reviewing a trial court's order granting or denying relief pursuant to a Motion to Set Aside a Judgment is whether a trial judge abused its discretion.¹ A trial court may not act arbitrarily or inequitably, nor may their decisions be unsupported by facts or sound legal policy.² The appellate court, however, reviews a trial court's refusal to set aside default judgment only for a clear abuse of discretion.³ It is the obligation of Arizona's appellate courts to affirm where any reasonable view of the facts and law might support the judgment of the trial court.⁴

This Court finds no abuse of discretion by the trial court in denying Appellant's Motions to Set Aside the Entry of Default.

IT IS THEREFORE ORDERED affirming the judgments of responsibility and sanctions imposed in this case.

IT IS FURTHER ORDERED remanding this case back to the Northwest Phoenix Justice Court for all further and future proceedings in this case.

/S/ HONORABLE MICHAEL D. JONES

JUDICIAL OFFICER OF THE SUPERIOR COURT

¹ Mission Insurance Company v. Cash, Sullivan and Cross, 170 Ariz. 105, 822 P.2d 1 (App. 1991).

² City of Phoenix v. Geyler, 144 Ariz. 323, 697 P.2d 1073 (1985).

³ Hilgenman v. American Mortgage Securities, Inc., 196 Ariz. 215, 994 P.2d 1030 (App. 2000).

⁴ City of Phoenix v. Geyler, Supra; Gary Outdoor Advertizing Co. v. Sunlodge, 133 Ariz. 240, 640 P.2d 1222 (1982).